

SENATE BILL NO. 107

INTRODUCED BY SMITH

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING WHEN SPECIFIC GROUND WATER MANAGEMENT PLANS MUST OR MAY BE DEVELOPED AND IMPLEMENTED; ALLOWING THE DEPARTMENT OF AGRICULTURE TO INITIATE EDUCATIONAL PROGRAMS ABOUT AGRICULTURAL MANAGEMENT IN AN EFFORT TO PRECLUDE THE NEED FOR DEVELOPING SPECIFIC GROUND WATER MANAGEMENT PLANS IN THE FUTURE; ~~REMOVING THE REQUIREMENT THAT A PERSON COMPLY WITH THE AGRICULTURE GROUND WATER MANAGEMENT PLAN;~~ AMENDING SECTIONS 80-15-212 AND 80-15-213, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 80-15-212, MCA, is amended to read:

"80-15-212. Specific agricultural chemical ground water management plans. (1) Except as provided in 80-15-216, the department shall develop and implement agricultural chemical ground water management plans specific to particular agricultural chemicals and to a defined geographical area:

(a) when the level of an agricultural chemical found in ground water is at 50% or greater of the standard or interim numerical standard at a point of standards application and is scientifically validated;

(2) The department may develop and implement an agricultural chemical ground water management plan specific to particular agricultural chemicals when the level of an agricultural chemical found in ground water is less than 50% of the standard or interim numerical standard at a point of standards application and is scientifically validated.

~~— (3) The department AND may consider but is not limited to considering the following elements when determining whether or not to develop and implement agricultural chemical ground water management plans:~~

~~(b) when (a)~~ a definite trend of increased presence of the agricultural chemical in ground water at a point of standards application is scientifically validated;

~~(c) when (b)~~ agricultural chemicals have been determined to have migrated in the ground water from the point of detection;

~~(d) when (c)~~ EPA proposes to suspend or cancel registration of an agricultural chemical, prohibits or restricts the chemical's sale or use in the state, or otherwise initiates action against a chemical because of ground water concerns, and ~~when~~ EPA's action, restriction, or prohibition will be implemented unless the state develops an adequate management plan; or

~~(e) when (d)~~ agricultural chemicals that possess or are suspected of possessing properties that indicate potential to migrate to ground water are being applied on areas ~~underlain~~ underlain by ground water that is vulnerable to impairment.

~~(4)(3)~~ The department may initiate educational programs about agricultural chemical management to provide information and management techniques to protect ground water in an effort to preclude the need for development of specific agricultural chemical ground water management plans in the future.

~~(2)(5)(4)~~ Any A person using an agricultural chemical that is addressed by a specific agricultural chemical ground water management plan in the geographical region that is addressed by the plan ~~shall MAY~~ SHALL comply with the plan. The department may specifically identify and designate persons who are under the plan and may inform any person about the plan.

~~(3)(6)(5)~~ The department shall prioritize preparation of specific agricultural chemical ground water management plans in consideration of the specific circumstances of each area and within available resources."

Section 2. Section 80-15-213, MCA, is amended to read:

"80-15-213. Beneficial use to be considered in developing management plans -- water classification. (1) (a) In developing general and specific agricultural chemical ground water management plans, the department shall consider the current and potential beneficial use of the ground water included in or affected by the plans.

(b) If the ground water has not been classified:

(i) the department shall consider it to be included in the classification representing the highest quality of ground water until the ground water is classified by the department of environmental quality; and

(ii) the department may proceed to develop an agricultural chemical ground water management plan as ~~required by~~ provided in 80-15-212(1) ~~through (3)~~ AND (2).

(2) The department may request the department of environmental quality to classify certain ground water and may collect the data and information required by the department of environmental quality to classify the ground water. If adequate technical data and financial resources are available as determined by the

1 department of environmental quality, the department of environmental quality shall classify ground water at
2 locations as requested by the department."

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4 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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